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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,969	09/30/2003	David M. Callaghan	03AB002/ALBRP323US	4944

7590 06/22/2006
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EXAMINER

NGUYEN, TAI T

ART UNIT PAPER NUMBER

2612

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/674,969

Applicant(s)

CALLAGHAN, DAVID M.

Examiner

Tai T. Nguyen

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, 32, 33 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 32-33, and 36-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-9, 32, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strom et al. (US 4,642,607) in view of Gandhi et al. (US 2005/0267935).

Regarding claims 1, 6, and 36-37, Strom et al. disclose a system for controller configuration and programming (figure 1) comprising:

a controller (44) connected to a power line (figure 1);

a configuration devices (20, 24, figure 1) connected to the power line, wherein the configuration devices communicate with the controller over the first and second power lines to enable remote controlled configuration and programming via interface (40, col. 3, lines 37-49). Strom et al. disclose everything claimed except for the explicit disclosure of the remote configuration and programming. Since Strom et al. disclose the configuration device having a computer interface module (40), it would have been obvious to one of ordinary skill in the art at the time the invention was made that the configuration device could be at a remote location. Strom et al. disclose everything claimed except the interface implementing a peer-to-peer communication network.

Strom et al. disclose the configuration devices separately communication with the controller (figure 1, col. 3, lines 4-50). Gandhi et al. disclose the use of peer-to-peer communication over power line (figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement peer-to-peer communication over the power line of Strom et al. in order to provide a more direct interface.

Regarding claim 3, Strom et al. disclose the interface contains a unique identifier and/or hex address (col. 4, lines 49-66), it would have been obvious to one of ordinary skill in the art at the time the invention was made that the hex address could be considered as a serial number.

Regarding claim 4, Strom et al. disclose the interface being contained within the controller (col. 3, lines 15-29).

Regarding claim 5, Strom et al. disclose the modules using binary control. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the control would interface as a PLC (col. 3, lines 15-29) in order to provide digital communication with the configuration device.

Regarding claim 7, Strom et al. disclose the configuration device configuring the at least one controller via download/exchange data (col. 3, lines 37-49).

Regarding claims 8-9, Strom et al. disclose everything claimed except for the explicit showing of the downloaded/exchanged data being a software program/webpage. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to use a software program/webpage for the downloaded/exchanged data for the purpose of implementing system wide instructions.

Regarding claim 32, Strom et al. disclose the local area network (figure 1).

4. Claims 33 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strom et al., as modified, as applied to claim 1 above, and further in view of Ransom et al. (US 2005/0144437).

Regarding claim 33, Strom et al., as modified, disclose everything claimed except the network being a WAN. Ransom et al. disclose a WAN using power lines to provide communication between multiple users (figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the WAN design of Ransom et al. with the Strom et al., as modified, in order to accommodate a larger, broader network.

Regarding claims 38-40, refer to claims 1, 33, and 36-37 above.

Regarding claim 41, Ransom et al. further disclose the WAN design being connected to the Internet (figure 1, paragraphs 25 and 38).

Regarding claim 42, both Ransom et al. and Strom et al. further show the interface being configured using hardware (figure 1).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-9, 32-33, and 36-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Tai T. Nguyen', with a long, sweeping horizontal line extending to the right.

Tai T. Nguyen
Primary Examiner
Art Unit 2612

June 20, 2006